

Remarks

Claims 1-87 are pending and stand rejected under 35 USC 103(a). No amendments have been made. Applicants respectfully traverse the rejections and assert that all claims are now in condition for allowance as more specifically set forth below.

103 Rejections

The Examiner has rejected claims 1-87 as being unpatentable over Ennis (US Pat 5,867,483) in view of Tams (US Pat 6,327,620), in view of Schaffer (US Pat 6,219,050) and further in view of Hernandez (US Pat 6,208,977). Applicants hereby traverse these rejections.

Each of the independent claims 1, 14, 25, 36, 43, 49, 60, 69, 78, and 84 recites that the traffic logs are also used to generate billing data for use of the network. As a representative example, claim 1 recites, in part, generating billing data for network use at the second location using information from the stored traffic logs. Thus, in each of the claims, the traffic logs serve the dual purpose of providing information for generating histograms to show network activity as well as providing information for generating bills for use of the network. Support for these recitations can be found, for example, at page 4 where it states that traffic logs are passed up through network 100 and collected at NCC 10 and that traffic logs are used as the data source for customer billing and are also exploited by the present invention to provide insight into the health of the network.

Despite the additional citation of Hernandez, the cited references do not disclose traffic logs of individual packets being collected for the dual purpose of generating histograms of network activity and generating billing data for use of the network. As noted, Ennis and Tams do not collect traffic logs for each individual packet and do not disclose that such traffic logs created for individual packets contain information that is used for generating billing data for use of the network. While Hernandez does disclose collecting information regarding network activity for purposes of billing, Hernandez does not disclose generating billing data for network use at the second location using information from the stored traffic logs, where the traffic logs have previously been transferred to and stored at the second location.

In column 3 of Hernandez, it is disclosed that collecting units 32-36 accumulate the number of bytes being transferred between links, lines 34-36. It is further disclosed that these accumulations of bytes being transferred may be delivered from the collecting units 32-36 to a collector subsystem 37 for purposes of pricing and perhaps billing (note that a billing subsystem 38 may also be required for purposes of generating bills). However, accumulating the number of bytes transferred between links and sending the accumulated totals to the collector subsystem (and/or billing system) fails to meet the recitations of the claims. The accumulation of the number of bytes being transferred for a link and transferring the accumulation to a central location for billing is entirely different than transferring the traffic logs for each packet to the second location and then utilizing those traffic logs at the second location to generate the billing data. When transferring the traffic logs, information is more granular, i.e., per packet, whereas in Hernandez, the central billing system is only receiving the number of total bytes between a source and destination node per link and is not receiving data on a per packet basis. Thus, Hernandez generates the billing data in a fundamentally different manner at the collector subsystem and/or billing subsystem, by adding the accumulations from the collecting units, as opposed to utilizing traffic logs to compute the network use. Accordingly, Hernandez fails to meet the recitations that the Office Action has conceded are missing from the other references of the rejection.

Because the cited combination fails to disclose each of the elements of the claims, the claims are allowable over the cited combination for at least these reasons.

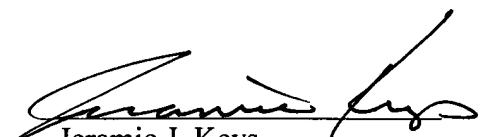
Conclusion

Applicants assert that the application including claims 1-87 is in condition for allowance. Applicants respectfully request reconsideration in view of the remarks above, and further requests that a Notice of Allowability be provided. Should any issues remain, the Examiner is invited to contact the undersigned.

No fees are believed due. However, please charge any additional fees or credit any overpayment to Deposit Account No. 50-3025.

Respectfully submitted,

Date: November 8, 2005



Jeramie J. Keys
Reg. No. 42,724

Withers & Keys, LLC
P.O. Box 71355
Marietta, Ga 30007-1355
(404) 849.2093